

REMARKS/ARGUMENTS

Claims 38-43 and 45-57 are pending.

Claims 38-43 and 45-47 were examined and rejected.

Claims 38, 39-41 and 45 are amended. Support for the amendment to claim 38 is found throughout the specification, particularly at: page 61, lines 35-40. Claims 39-41 are amended for clarity. Claim 45, a method claim, is amended to incorporate the composition of claim 38. New claims 49-47 are essentially the same as claims 38-43 and 45-47, except they recite labeled NAD instead of an exogenously added source of ADP ribose, support for which is found in line 39 of page 61, and lines 31-32 of page 11. No new matter is added.

Claims 55-57 will be voluntarily withdrawn by the Applicants if so desired by the Examiner. Claims 55-57 recite the composition of claim 49. As such, the Applicants request rejoinder of claims 55-57 if claim 49 is deemed allowable.

The Applicants request reconsideration of this application in view of the remarks set forth below.

Interview Summary

Examiners Iqbal Choudary, Rebecca Prouty and Ponnathapura Achutamurthy are thanked for a productive interview with the Applicants' representatives James Keddie (in person) and Jim Diehl (by telephone), on December 10, 2007.

Although no formal agreement was reached, the Examiners generally indicated that amending the claims to recite either "an exogenously added source of ADP ribose" or "labeled NAD" would be sufficient to withdraw the Daly rejection.

The Applicants also noted that the Christian reference had been antedated in the immediate parent of this case (09/843,159, now issued as U.S. patent 6,887,675) as well as the instant case (see the page 3 of Office Action dated January 5, 2007, Applicants' response and declaration of February 26, 2007, and subsequent Advisory Actions). Examiner Choudary thought the inclusion of the Christian reference in this Office Action may have been an oversight.

Since the claims presented herein recite a composition comprising "an exogenously added source of ADP ribose" (claims 38-43 and 45-47) and "labeled NAD" (claims 48-57), the claims are believed to be free of the art. A Notice of Allowance is respectfully requested.

Rejoinder

In the Office Action of May 26, 2006, the Examiner stated that the process claims of this case would be rejoined with the composition claims if: a) the composition claims were found allowable and b) the process claims are commensurate in scope with the composition claims.

Since method claims 45-49 recite the composition of claim 38, and claims 55-57 recite the composition of claim 49, the Applicants believe that the methods claims of this case are commensurate in scope with their respective composition claims.

Rejoinder of claims 45-49 and 55-57 is requested if claims 38 and 49 are deemed allowable.

Rejection of claims under 35 U.S.C § 112, second paragraph

Claim 39 is rejected under 35 U.S.C § 112, second paragraph, as being indefinite for reciting the term “candidate bioactive agent”.

Without any intention to acquiesce to the correctness of this rejection and solely to expedite prosecution, claims 39-41 are amended to recite a “candidate agent”.

It is believed that this rejection has been addressed. Withdrawal of this rejection is respectfully requested.

Rejection of claims under 35 U.S.C. § 102

Claims 38-40 and 42 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by *Daly* (US20020037582) and *Christianson* (US20030190739). The Applicants respectfully traverse this rejection.

As noted above, claim 38 has been amended to recite “an exogenously added source of ADP ribose”. Claim 49 recites a “labeled NAD”. Since Daly does not explicitly disclose any composition that contains an exogenously added source of ADP ribose or labeled NAD, Daly cannot anticipate these claims. Thus, this rejection should be withdrawn.

The *Christianson* reference was antedated in the immediate parent of this application (see the 09/843,159 file history at: page 3 of Office Action of May 26, 2004, Applicant’s response and declaration of September 8, 2004, and subsequent Notice of Allowance dated November 22, 2004). Further, the *Christianson* reference was antedated in the instant application (see page 3 of the Office Action dated January 5, 2007, the Applicants’ response and declaration of February 26, 2007, and subsequent Advisory Actions dated March 16, 2007 and April 26, 2007). As such, it is believed that the

inclusion of Christianson in this rejection may have been an oversight caused by the changeover of Examiner.

The Applicants submit that this rejection has been adequately addressed. Withdrawal of this rejection is requested.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RIGL-010CIP3.

Respectfully submitted,
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